

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-MD-1932**

**IN RE FAMILY DOLLAR FLSA
LITIGATION**

Concerning *Scott v. Family Dollar Stores*

ORDER

This matter is before the Court on Defendants' Motion to Dismiss Opt-In Plaintiffs Cindy Whaley, Jeffrey Richards, David Edwards, and Terrie Morelock for Failure to Respond to Discovery and Failure to Prosecute [doc. #775]. The Court notes that the time for Plaintiffs to file a response to Defendant's Motion has expired and Plaintiffs have failed to file a response to the motion. Therefore, pursuant to Rules 37 and 41(b), and for the reasons stated in Defendant's motion, Cindy Whaley, Jeffrey Richards, David Edwards, and Terry Morelock are dismissed with prejudice for failure to respond to discovery and failure to prosecute their cases.

THEREFORE, IT IS ORDERED that:

- (1) Defendant's Motion to Dismiss Opt-In Plaintiffs Cindy Whaley, Jeffrey Richards, David Edwards, and Terrie Morelock for failure to Respond to Discovery and Failure to Prosecute [doc. #775] is **GRANTED**.
- (2) Plaintiffs Cindy Whaley, Jeffrey Richards, David Edwards, and Terrie Morelocks' claims against Family Dollar are dismissed with prejudice;
- (3) The Court finds that there is no just reason to delay entry of final judgment for Family Dollar with respect to Plaintiffs Cindy Whaley, Jeffrey Richards, David Edwards, and Terrie Morelocks' claims against Family Dollar;
- (4) The Clerk is directed to enter final judgment for Family Dollar with respect to Plaintiffs Cindy Whaley, Jeffrey Richards, David Edwards, and Terry Morelock.

SO ORDERED.

Signed: March 5, 2012



Graham C. Mullen
United States District Judge

